United Nations A/C.5/55/19

General Assembly

Distr.: General
25 October 2000

Original: English

Fifty-fifth session
Fifth Committee
Agenda item 118
Programme planning

Letter dated 23 October 2000 from the Chairman of the Sixth Committee addressed to the Chairman of the Fifth Committee

I wish to refer to your letter of 19 September 2000 concerning the recommendations made by the Committee on Programme and Coordination to the effect that the Main Committees of the General Assembly should consider the issue of programme planning for the review of the proposed medium-term plan for the period 2002-2005.

Members of the Sixth Committee were informed of the above-mentioned request and copies of document A/55/6 (Prog.5) (programme 5, Legal affairs, of the proposed medium-term plan), in all languages, were distributed in the Committee with a request that any comments on the programme be submitted to the Chairman of the Sixth Committee for further consideration.

Further to that request, comments were received from the delegation of Cuba, which are enclosed herewith (see annex).

It should be noted that document A/55/6 (Prog.5) did not contain the proposed revisions by any organ to the original proposed version of programme 5.

Consequently, the absence of comments on any proposed revision introduced to the original version of programme 5 of the proposed medium-term plan should not be taken as an endorsement to any such proposed revision.

(*Signed*) Mauro **Politi**
Chairman, Sixth Committee

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Annex

I have the honour to address to you herewith general comments regarding programme 5, Legal affairs, of the proposed medium-term plan for the period 2002-2005 (see enclosure).

(*Signed*) Rafael Dausá **Céspedes**
Ambassador
Deputy Permanent Representative

Enclosure

[Original: Spanish]

Comments of the delegation of Cuba to the Sixth Committee, under item 120 of the preliminary list, with respect to document A/55/6 (Prog.5), of 4 April 2000

Introduction

First, we are pleased to have a further opportunity of submitting more detailed and specialized comments on the proposed medium-term plan for the period 2002-2005 pursuant to and in conformity with the mandates contained in General Assembly resolutions. We wish to refer in particular to resolution 54/236 (para. 2), the report of the Committee for Programme and Coordination in document A/54/16 (recommendation in paragraph 55) and the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation (including article III, rule 103.111 and regulation 3.12).

As regards document A/55/6 (Prog.5), the Cuban delegation considers that the methodology used for the general presentation of the proposed medium-term plan is more appropriate than that normally applied at preceding sessions. The use of a more concise format should not, however, preclude the simplification of the narrative of the document or the adequate reflection of the legislative mandates contained in the relevant resolutions or in the context of legal affairs. Furthermore, in the discussion of subjects of this nature, extreme care is required in the use of the appropriate terminology.

Where the narrative on the overall orientation of the proposed medium-term plan for the period 2002-2005 is concerned, we consider that there should be reintroduced in paragraph 5.1 language that includes an explicit reference to the need to promote greater understanding of and respect for the norms and principles of international law on the part of Member States to support the achievement of the other purposes of the United Nations.

Subprogramme 1

With respect to subprogramme 1, we are unaware of the reasons for omitting in the title the term "*y servicios*" after the word "*asesoramiento*". It would be desirable to restore the traditional title, which includes the coordination of legal advice and services, a broader term.

The objective of subprogramme 1 should be reformulated or drafted more comprehensively to cover various objectives, in keeping with the title of the subprogramme itself.

A more appropriate reference to the objective of subprogramme 1 is to be found in document A/53/6/Rev.1, in the first part of paragraph 4.6 and in paragraphs 4.7 and 4.9.

The reference to "the use of force" in paragraph 5.6 should be replaced by an express reference to the use of force in conformity with the relevant resolutions

adopted by the Security Council under Chapter VII of the Charter of the United Nations.

We consider that the term "United Nations law", used in paragraphs 5.5 and 5.7, is an inexact definition that lacks universal acceptance. Opinions differ as to whether or not United Nations law exists. It would be preferable to speak of compliance with and respect for international law and the principles and purposes contained in the Charter of the United Nations.

Paragraph 5.10, on expected accomplishments, should refer to "*aplicación del derecho internacional*", not "*uso del derecho internacional*".

A reference could be made in paragraph 5.10, on expected accomplishments, to the importance of achieving a broader dissemination, understanding and application of international law by Member States.

The indicators of achievement, the subject of paragraph 5.11, should state that the work should be carried out in accordance with the Charter of the United Nations, consistent with the language employed in paragraph 4.11 of document A/53/6/Rev.1.

Subprogramme 2

Paragraph 5.12 is very concise and very general. Paragraph 4.12 of document A/53/6/Rev.1 provides an adequate basis for reformulating the main objective of this subprogramme, whose purpose is to provide services that enable the mandates of the Organization to be administered. Paragraph 5.13, which enumerates the tasks and activities to be undertaken to achieve that objective, could be couched in more explicit language.

Subprogramme 3

The formulation of the objective in paragraph 5.18 should be brought into line with the first sentence of paragraph 4.16 of document A/53/6/Rev.1. In other words, the concept of promoting acceptance of and respect for the principles of international law should be reflected first, and the content of paragraph 5.18 of the current draft should follow.

Legislative mandates

Subprogramme 3

The mandates contained in General Assembly resolutions 1816 (XVII),1968 (XVIII) and 2099 (XX), "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law", have been omitted.

General Assembly resolution 3006 (XXVII), "*United Nations Juridical Yearbook*", has been omitted.

Other omissions are:

General Assembly resolution 54/102, "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law";

General Assembly resolution 54/111, "Report of the International Law Commission on the work of its fifty-first session";

General Assembly resolution 54/110, "Measures to eliminate international terrorism"; and

General Assembly resolution 54/107, "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions".